

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
No. 5:12-HC-2244

UNITED STATES OF AMERICA,	)	
	)	
Petitioner,	)	
	)	
v.	)	CERTIFICATION OF A
	)	SEXUALLY DANGEROUS PERSON
JAMES RANDALL DEMLER,	)	AND PETITION
Register Number 20977-055,	)	
	)	
Respondent.	)	

The United States of America, by and through the United States Attorney for the Eastern District of North Carolina, hereby submits the attached Certification of a Sexually Dangerous Person pursuant to Title 18 U.S.C. § 4248(a).

Based on the above, the United States hereby petitions the Court to commit the Respondent to the custody of the Attorney General, pursuant to 18 U.S.C. § 4248(d).

Respectfully submitted, this 27th day of September, 2012.

THOMAS G. WALKER  
United States Attorney

By: /s/ Edward D. Gray  
EDWARD D. GRAY  
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Attorney for Petitioner  
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N.C. Bar #37539

CERTIFICATE OF SERVICE

This is to certify that I have this 27th day of September, 2012, served a copy of the foregoing upon the Respondent in this action by placing the documents in an envelope marked as stated below, and placing the envelope in the U.S. mail for delivery to:

JAMES RANDALL DEMLER  
Reg. No. 20977-055  
FCI Butner  
P.O. Box 1000  
Butner, NC 27509

and on the same day served a copy of the foregoing by placing a copy in the U.S. Mail, addressed as follows:

Office of the Federal Public Defender  
150 Fayetteville Street Mall  
Suite 450  
Raleigh, North Carolina 27601

/s/ Edward D. Gray  
EDWARD D. GRAY  
Assistant U.S. Attorney  
Attorney for Petitioner  
U.S. Attorney's Office  
Civil Division  
310 New Bern Avenue  
Suite 800, Federal Building  
Raleigh, NC 27601-1461  
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WESTERN DIVISION

No. 5:12-HC-2244

UNITED STATES OF AMERICA,	)	
	)	
Petitioner,	)	
	)	
v.	)	ORDER
	)	
JAMES RANDALL DEMLER,	)	
Register Number 20977-055,	)	
	)	
Respondent.	)	

At the request of the Director of the Bureau of Prisons, the government has filed a Certification of a Sexually Dangerous Person pursuant to 18 U.S.C. § 4248, in order for this Court to hold a hearing to determine whether the Respondent is a sexually dangerous person as defined by 18 U.S.C. § 4247(a)(5).

Respondent, having demonstrated eligibility for appointment of counsel at government expense, the Federal Public Defender IS DIRECTED to provide representation in this action.

The Court further determines that the Respondent is unable to pay the fees of any witness, and pursuant to Federal Rule of Criminal Procedure 17(b) the Clerk shall issue a subpoena for any witness necessary to present an adequate defense to the pending charge or charges.

The Court further ORDERS that the United States Marshal shall serve any subpoenas presented to him in this case by the office of the Federal Public Defender, and shall pay the appropriate fees and expenses to witnesses so subpoenaed.

Pursuant to 18 U.S.C. section 4247(b), the Court ORDERS the appointment of a mental health examiner of the Respondent's choosing. Pursuant to this section, if the Respondent wishes to request an additional examiner, he shall request such by separate motion to this court.

Any and all future forensic reports, and other such psychological and psychiatric reports or documents relevant to this case, whether such reports are produced by the Federal Bureau of Prisons, independent examiners appointed by order of this Court, or other mental health professionals, shall be filed with this Court under seal, without need of further motion to seal, by either party. Further the Clerk is DIRECTED to permanently seal these reports in accordance with Local Civil Rule 79.2(b), E.D.N.C.

The Court hereby notifies the parties that in light of the provisions of the November 14, 2011, Standing Order, the parties will not be required to conduct an initial scheduling conference pursuant to Fed. R. Civ. P. 26(f).

This \_\_\_\_ day of \_\_\_\_\_, 2012.

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United States District Judge

### **CERTIFICATION OF A SEXUALLY DANGEROUS PERSON**

(1) I, Ivonne E. Bazerman, am Chairperson of the Federal Bureau of Prisons (Bureau) Certification Review Panel, Washington, D.C. Pursuant to 28 C.F.R. § 0.97, the Director of the Bureau has delegated to me the authority to certify persons in Bureau custody as sexually dangerous, as authorized by 18 U.S.C. § 4248.

(2) Bureau records reflect the following: Inmate James Randall Demler, Register Number 20977-055, is in Bureau custody at the Federal Correctional Institution, Butner, North Carolina, in service of a 24-month term of imprisonment and a five-year term of supervised release, following his conviction for Transfer of Obscene Matter to a Minor, in violation of 18 U.S.C. § 1470 (W.D. Tex.) (Case No. W-11-CR-149(01)). His offense conduct included engaging in sex-related conversations over the Internet with an undercover agent posing as a 13-year-old female and using his web cam to transmit images of himself in the nude and masturbating his penis to the undercover agent, believing the agent was a 13-year-old girl. His projected release date is March 25, 2013.

(3) Based on a review of his Bureau records, I certify he is a sexually dangerous person as defined by 18 U.S.C. § 4247(a)(5), and sexually dangerous to others as defined by

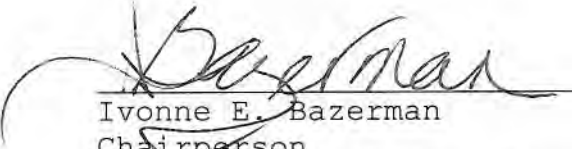
18 U.S.C. § 4247(a)(6). My certification is based on information found in Bureau records which includes, but is not limited to, the following:

(a) He previously engaged or attempted to engage in sexually violent conduct or child molestation as evidenced by his current offense conduct. Additionally, he was previously convicted of Sexual Abuse in the First Degree, in the Niagara County Court, Lockport, New York (Indictment No. 2002-121), for forcing a six-year-old male victim to touch his penis and place his mouth on his penis, having the victim pull down his pants, removing his own pants, having the victim sit on his lap, and rubbing his penis against the victim's buttocks; and Sexual Abuse in the First Degree, in the Niagara County Court, Lockport, New York (Indictment No. 2002-349), for fondling the penis of an eight-year-old male victim and forcing the victim to perform oral sex on him;

(b) A psychological review and assessment indicated Axis I diagnoses of Pedophilia, Sexually Attracted to Both, Nonexclusive Type, and Paraphilia Not Otherwise Specified (Non-consent); and Axis II diagnoses of Antisocial Personality Disorder and Personality Disorder Not Otherwise Specified with Narcissistic Features;

(c) A review and assessment of him using an actuarial risk assessment instrument (Static-99R) was conducted. This result, in addition to his current and prior offense conduct, sexual preoccupation, sexual preference for prepubescent or pubescent children, multiple paraphilia diagnoses, lifestyle impulsivity, resistance to rules and supervision, negative social influences, and a lack of concern for others, indicate he will have serious difficulty refraining from sexually violent conduct or child molestation if released.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief.

  
Ivonne E. Bazerman  
Chairperson  
Certification Review Panel  
Federal Bureau of Prisons

8/2/2012  
Date